

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Patent Application of |) | MAIL STOP AMENDMENT |
| |) | |
| Vassilios Papadopoulos et al. |) | Group Art Unit: 1641 |
| |) | |
| Application No.: 10/512,060 |) | Examiner: CHRISTOPHER L CHIN |
| |) | |
| Filed: December 8, 2005 |) | Confirmation No.: 8588 |
| |) | |
| For: PERIPHERAL-TYPE |) | |
| BENZODIAZEPINE RECEPTOR |) | |
| EXPRESSION LEVEL AS AN INDEX |) | |
| OF ORGAN DAMAGE AND |) | |
| REGENERATION |) | |

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Election of Species Requirement mailed

November 28, 2008, Applicants hereby elect with traverse, the following species:

Group I (Claims 3 and 4): a) kidney;

Group II (Claim 7): a) immunohistochemistry;

Group III (Claim 8): e) at one or more intervals following transplantation procedure; and

Group IV (Claim 13): an antibody to PBR.

In further response to the Requirement, Applicants respectfully submit that at least Claims 1, 2, 5, 6, and 14-16 are generic to the elected species.

Applicants traverse the Requirement on the grounds that the generic claims are not so broad as to place undue burden on the Patent Office to search and examine the full scope of the claims. Rather, Applicants respectfully assert that the search and examination of the entire set of elected claims could be conducted without undue burden on the

Examiner, thus avoiding delay and expense to Applicants. Indeed, Applicants have already limited the search and examination to elected Claims 1-8 and 13-16.

However, Applicants understand that upon search, examination and allowance of the elected species, search and examination will continue as to the non-elected species within the scope of the generic claims.

For at least these reasons, and in order to avoid unnecessary delay and expense to Applicants, and duplicative examination by the Patent Office, it is respectfully requested that the Election of Species Requirements be reconsidered and withdrawn.


If there are any questions concerning this Response or the application in general, Applicants invite the Examiner to telephone the undersigned at the Examiner's earliest convenience.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: MARCH 2, 2009

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